

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY DUNN and ANN DUNN, his  
wife,

Plaintiffs,

v.

JAMES GRAHAM and PITTSTON  
TOWNSHIP,

Defendants.

CIVIL ACTION NO. 3:14-CV-01736

(JUDGE CAPUTO)

**ORDER**

NOW, this 2<sup>nd</sup> day of November, 2017, upon review of Defendants' Motion for Summary Judgment (Doc. 63), **IT IS HEREBY ORDERED** that:

- (1) Defendants' Motion for Summary Judgment is **GRANTED** in part and **DENIED** in part.
  - (a) Judgment is **ENTERED** in favor of Defendants and against Plaintiffs on Counts II, III, IV, and V of Plaintiffs' Amended Complaint (Doc. 15).
  - (b) Defendants' Motion for Summary Judgment is **DENIED** with respect to Count I of Plaintiffs' Amended Complaint.
- (2) This matter is removed from the December 2017 Trial List and placed on the April 2018 Trial List.

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/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge